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**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**



Declaration
Submitted
With Initial
Filing

OR



Declaration
Submitted after Initial
Filing (surcharge
(37 CFR 1.16 (e))
required)

Attorney Docket Number

BYD-US2003-008

First Named Inventor

WANG, CHUANFU

COMPLETE IF KNOWN

Application Number

Filing Date

04/14/2004

Art Unit

Examiner Name

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**COMPOUNDS OF LITHIUM NICKEL COBALT METAL OXIDE AND THE METHODS OF
THEIR FABRICATION**

(Title of the Invention)

the specification of which



is attached hereto

OR



was filed on (MM/DD/YYYY)

as United States Application Number or PCT International

Application Number

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed | Certified Copy Attached? | |
|--|---------|-------------------------------------|--------------------------|-------------------------------------|-------------------------------------|
| | | | | Yes | No |
| 03140216.X | CHINA | 08/15/2003 | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 03114242.7 | CHINA | 04/14/2003 | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 02151991.9 | CHINA | 11/19/2002 | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 03140196.1 | CHINA | 08/15/2003 | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

☒ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

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If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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DECLARATION – Supplemental Priority Data Sheet

Foreign applications:

[illegible]

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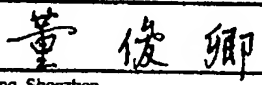
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DECLARATION — Utility or Design Patent Application

| | | | |
|---|--------------------|---|----------------------|
| Direct all correspondence to: <input checked="" type="checkbox"/> Customer Number: 33139 OR <input type="checkbox"/> Correspondence address below | | | |
| Name | | | |
| Address | | | |
| City | | State | ZIP |
| Country | Telephone | Fax | |
| I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. | | | |
| NAME OF SOLE OR FIRST INVENTOR: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle [if any]) Chuanfu | | Family Name or Surname Wang | |
| Inventor's Signature | | Date 04/14/2004 | |
| Residence: City Longgang, Shenzhen | State Guangdong | Country P.R.China | Citizenship China |
| Mailing Address Dormitory mail-stop, BYD Company limited, Yan An road, Kuichong | | | |
| City Longgang, Shenzhen | State Guangdong | ZIP 518119 | Country P.R.China |
| NAME OF SECOND INVENTOR: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle [if any]) Zhanfeng | | Family Name or Surname Jiang | |
| Inventor's Signature | | Date 04/14/2004 | |
| Residence: City Longgang, Shenzhen | State Guangdong | Country P.R.China | Citizenship China |
| Mailing Address Dormitory mail-stop, BYD Company limited, Yan An road, Kuichong | | | |
| City Longgang, Shenzhen | State Guangdong | ZIP 518119 | Country P.R.China |
| <input type="checkbox"/> Additional inventors or a legal representative are being named on the _____ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto. | | | |

DECLARATION**ADDITIONAL INVENTOR(S)**
Supplemental Sheet

Page ____ of ____

| | | | |
|--|--------------------|---|-------------|
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle (if any)) | | Family Name or Surname | |
| Huikuan | | Liu | |
| Inventor's Signature  | | Date 04/14/2004 | |
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| | | | Citizenship |
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| Dormitory mail-stop, BYD Company limited, Yan An road, Kuichong | | | |
| Mailing Address | | | |
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| | | | P.R.China |
| | | | China |
| | | | Citizenship |
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle (if any)) | | Family Name or Surname | |
| Junqing | | Dong | |
| Inventor's Signature  | | Date 04/14/2004 | |
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| | | | P.R.China |
| | | | China |
| | | | Citizenship |
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle (if any)) | | Family Name or Surname | |
| | | | |
| Inventor's Signature | | Date | |
| Residence: City | | State | |
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